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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,333	01/23/2002	Parag M. Doshi	1-1-3-10-1	8021

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Docket Administrator (Room 2F-190)
Lucent Technologies Inc.
600-700 Mountain Avenue
Murray Hill, NJ 07974-0636

EXAMINER

GREY, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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09/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/055,333

Applicant(s)

DOSHI ET AL.

Examiner

Christopher P. Grey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 12 and 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) The claims make reference to call routes from an internet telephone to a mobile user, and also from a PSTN to an internet telephony. It is essential to clarify who the callee is, where the callee is different on both paths in the preceding sentence. The examiner is uncertain whether the callee is the internet telephone, mobile user or the PSTN.

(b) The claims make reference to a PSTN call to an internet telephony user. It is essential to clarify if the PSTN call is being initiated by the mobile user, as it is unclear to the examiner and one reading the claim what/which device or user makes this call.

(c) The claim makes reference to a call path, however, it is unclear to the examiner and one reading the claim the call path which the claim provides. It is essential to clarify if the call path mentioned is from the internet telephony user to a mobile user.

Suggested correction, "...a call path from the internet telephony user/device to the mobile user/device".

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(d) The claim makes reference to cellular numbers being used to denote internet telephony accounts. It is unclear to the examiner how internet telephony accounts are used within the claim. The examiner believes that clarifying this ambiguity would involve specifying the cellular number are assigned or allocated to internet telephony users/telephones.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following rejections are constructed based on the examiners best interpretation of the claims, however the examiner is unclear on several elements that are deemed essential to the claim as mentioned in the 112 rejections above.

2. Claim 1,4,5-12,15-21 and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis (US 20030202521) in view of Higuchi (US 20050286501).

Claim 1, 12, 21 Havinis discloses querying a unified location management device having location information (see elements 270 and 280 in fig 1) stored therein for users of said different network protocols (see elements 200 and 100 in fig 1), said users including mobile users (paragraph 0018-0020 and see fig 2).

Havinis discloses relaying mobile user location related information from the unified location manager regarding a user of the first and second network (paragraph 0020 and 1st and 2nd networks elements 110 and 210 in fig 3).

Havinis discloses selecting a gateway based on the location information provided (paragraph 0020-0022).

Havinis discloses wherein for an internet telephony call to a mobile user, said unified location manager operates as an inbound proxy for a given domain (the HLR, 280 in fig 1 acts as an inbound proxy for a given domain, where that domain is broadly interpreted as any domain and is equivalent to the domain 210 in fig 1).

Havinis discloses a B-number being used to denote the called party (fig 1, 130).

It would have been obvious to one of the ordinary skill in the art at the time of the invention that PLMN's such as that shown in fig 1, allow internet access, where internet access is common in cellular telephones such as the one shown in fig 1, 200. Therefore it would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the invention disclosed by Havinis to allow internet access via the B number disclosed. The motivation for this modification is to achieve internet access through the mobile/cellular telephone.

Havinis discloses allowing selection of a routable temporary phone number (**para 0020, HLR provides subscriber information**).

Havinis does not specifically disclose allowing selection of a location dependent routable temporary phone number such that a call path can bypass a callee's home MSC or gateway MSC.

Higuchi discloses a call path can bypass a callee's home MSC or gateway MSC **(fig 20, where the path from the IP telephone passes through an IP network and the gateways, but does not pass through an MSC).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention that the H.323 device could be routing data to a mobile station such as that disclosed in fig 20 51, where a modification in using the gateways 53 and 54 in Higuchi, where it is well known in the art that these SGSN's and GGSN's are associated with an HLR such as that disclosed by Havinis. Furthermore, gateway selection would allow that routing of data to the gateways 54 and 53 of Higuchi. The motivation for this combination is to route data to network containing different protocol than the originating device.

Claim 4, 9, 15, 19, 24, 28 Havinis discloses the location related information being used to assign a location dependent routable temporary telephone number for use in the gateway selection (paragraph 0020 and see step 240 in fig 2).

Claim 5, 16, 25 Havinis discloses for an internet telephony call to a mobile user, the unified location manager operates as an inbound proxy for a given domain (paragraph 0020, 0021), where internet telephony is applicable within H.323.

Claim 6, 17, 26 Havinis discloses the mobile location information being able to correspond to an internet telephony user (parargraph 0009 and paragraphs 0020-0022).

Claim 7 Havinis discloses the location related information providing assignment of a GSM/UMTS temporary phone number (paragraphs 0018 and 0020).

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Claim 8, 18, 27 Havinis discloses the unified location manager being operable as a home location register for cellular networks and as a user registration and address resolution device for internet telephony networks (paragraphs 0009, 0017-0022).

Claim 9 Havinis discloses an HLR and a roaming number (paragraphs 0020), where the HLR inherently assigns a care of address for a mobile user.

Claim 10, 20, 29 Havinis discloses one of the first and second networks being circuit switched and one of the first and second networks being an internet telephony network (see fig 1).

Claim 11, 30 Havinis discloses the plurality of network protocols comprising at least 2 of ANSI-41, GSM MAP, SIP, H.323 (paragraphs 0004, 0009, 0018).

3. Claim 2, 3, 13, 14, 22, 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis (US 20030202521) in view of Higuchi (US 20050286501) in view of the admitted prior art.

Claim 2, 13, 22 Havinis discloses interworking between circuit switched networks and internet telephony and gateway selection.

Havinis does not specifically disclose optimizing gateway selection that minimizes any one of triangle routing, a PSTN call leg or an internet call leg.

The admitted prior art discloses optimizing gateway selection that minimizes any one of triangle routing, a PSTN call leg or an internet call leg (page 1 lines 15-23).

It would have been obvious to one of the ordinary skill in the art to optimize gateway selection by minimizing any one of triangle routing, a PSTN call leg or an

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internet call leg since it was known in the art that gateway selection is associated with several different policies related to the associated minimization as disclosed by the admitted prior art.

Claims 3, 14, 23 Havinis does not specifically disclose selection of the gateway being optimized by selecting a gateway that minimizes a circuit switched portion of a call.

The admitted prior art discloses the selection of the gateway being optimized by selecting a gateway that minimizes a circuit switched portion of a call (page 1 lines 15-23).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to optimize the gateway selection as disclosed by Havinis by minimizing the circuit switched portion of a call as disclosed by the admitted prior art.

Response to Arguments

5. Applicant's arguments with respect to claim 1, 12 and 21 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Grey whose telephone number is (571)272-3160. The examiner can normally be reached on 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571)272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Grey
Examiner
Art Unit 2616

C. Grey
9/14/07



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